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RR RUEH DU RUEHJO
DE RUEHSA #3331/01 2631557
ZNR UUUUU ZZH
R 201557Z SEP 07 ZDS ZUI RUEHCS 9068 2631557
FM AMEMBASSY PRETORIA
TO RUEHC/SECSTATE WASHDC 1872
INFO RUEHDK/AMEMBASSY DAKAR 1330
RUEHTN/AMCONSUL CAPE TOWN 4846
RUEH DU/AMCONSUL DURBAN 9176
RUEHJO/AMCONSUL JOHANNESBURG 7442
RHMFIUU/FAA NATIONAL HQ WASHINGTON DC

UNCLAS SECTION 01 OF 02 PRETORIA 003331

SIPDIS

C O R R E C T E D C O P Y - FAA ADDRESS AND ROUTING INDICATOR

SENSITIVE
SIPDIS

DEPT FOR KGUSTAVSON, JREIFMAN
FAA WASHDC FOR NANGELO, MCINTRON
TSA FOR JHALINSKY

SIPDIS
DAKAR FOR FAA

E.O. 12958: N/A
TAGS: [EAIR PREL](#) [ICAO](#) [FAA](#) [AORC](#) [SF](#)
SUBJECT: SOUTH AFRICA DEPARTMENT OF TRANSPORT WILLING TO
ADDRESS LEGAL DEFICIENCIES

REF: PRETORIA 3102

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¶1. (SBU) Summary: Economic Counselor and Transportation Officer made a courtesy call on South African Department of Transport (SADOT) Chief Director of Aviation Anwar Gany on September 11. The conversation touched on the July Federal Aviation Administration (FAA) audit and DOT plans to address legal deficiencies regarding the autonomy of the CAA. The Economic Counselor mentioned that there was a lack of clarity as to who had ultimate authority regarding flight safety issues. Gany stated that his office is willing to look at proposals from the FAA on how to address the structure of the Civil Aviation Authority (CAA) to bring it into compliance with International Civil Aviation Organization (ICAO) safety standards. End Summary.

The Key Player at DOT

¶2. (SBU) Economic Counselor and Transportation Officer called on South African Department of Transport Chief Director of Aviation Anwar Gany on September 11. The conversation touched on the July FAA audit and DOT plans to address legal deficiencies regarding the autonomy of the CAA. Gany is the senior official at the Department of Transport in charge of aviation matters. Mr. Gany complimented the Transportation Security Administration (TSA) on their audit process, but expressed frustration with the FAA audit. He complained that he was not informed about the audit until a day before the auditors were to arrive. He said he was also unaware of the audit timeline and unsure of how the decision would be made regarding a potential downgrade to FAA Category II flight safety status. Nevertheless, he was willing to consider proposals from the FAA that would address the legal deficiencies that had been identified in previous consultations with the FAA.

CAA Structure Still Problematic

13. (SBU) The Economic Counselor mentioned that there was a lack of clarity as to who had ultimate authority regarding flight safety issues. Gany explained that the CAA CEO is responsible for the operational, day-to-day management of the CAA and reports to the CAA Board of Directors which reports in turn to the Minister of Transportation. The Commissioner, however, reports to the Minister of Transport and is the ultimate authority on flight safety matters. Gany explained that the decision to appoint someone other than the CAA CEO as the Commissioner was made so that the CEO would not be the same person granting or denying licenses and hearing appeals. He claimed that the ICAO auditors found the CAA structure to be adequate during the ICAO audit process. (Note: The results of the ICAO audit have not yet been released. End Note.) Gany then expressed the DOT's willingness to do whatever is necessary to address the legal deficiencies regarding the autonomy of the CAA. He explained that this matter would need to be resolved within the DOT in the same way as the so-called "Regulation 61" issue, pertaining to the certification of pilots, which was resolved "with a stroke of a pen". Gany stressed that his office represents the South Africa Government and it would need to be involved in decisions that would impact state policy.

Biographical Note

14. (SBU) Biographical Note: Gany began the meeting by discussing the importance of aviation security. He stated that he is a Muslim with moderate views and understands the measures that are necessary to ensure aviation security, especially in the run-up to a high profile event like the 2010 FIFA World Cup. He said he opposed the taking of innocent life by Muslim extremists and believes in the importance of religious tolerance in a diverse society. He expressed his frustration with the denial of access to the U.S. to influential South African travelers because of religious profiling. Gany's colleague DOT Aviation Security Director Mongezi India was taken into secondary screening at

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the New York port of entry earlier this year. As a result, India and Gany were both planning to travel to the ICAO General Assembly in Montreal by way of London, rather than by way of New York. Gany was educated in Australia and the United Kingdom. He was the Projects Manager at the Airports Company South Africa (ACSA) prior to joining the Department of Transport as Chief of Aviation. He also worked as a Station Manager at Durban International Airport for Transnet. His other work experience consists of engineering and logistics management. Gany said he enjoyed his visits to the United States and described Americans as "boistrous, bullish, but extremely professional."

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